

ORIGINAL

Shaw

85
11-18-02
MA

THE UNITED STATES DISTRICT COURT
Middle District of Pennsylvania
Harrisburg, PA

Yan SHAO

plaintiff,

v.

Edward Cuccia

Charles Day

John / Jane Doe

Law Offices of Ferro & Cuccia

Defendants.

No. 1:00 CV 1901
(JUDGE Rambo)

CIVIL ACTION - LAW

FILED
HARRISBURG, PA

NOV 18 2002


MARY E. D'ANDREA, CL
Per MA Deputy Clerk

MOTION TO COMPEL COMPLETE RESPONSES FROM CHARLES DAY

MAY IT PLEASE THE COURT, the plaintiff moves this Court to compel the defendant Charles Day, Esq. to provide complete responses to interrogatories this Court has ordered him to answer, and to supplement any responses subsequently found to be incomplete or incorrect.

Respectfully submitted,


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LR 26.3 CERTIFICATION OF CONFERENCE TO RESOLVE OBJECTIONS

The undersigned certifies that on November 14, 2002, he called Mr. Day at approximately 8:30 AM in order to resolve the plaintiff's objections to Mr. Day's responses to the interrogatories submitted to him. The number called (718 969 4858) is believed to be Mr. Day's residence. This number rang as a fax machine. The undersigned then composed a letter asking for a return call and indicating in the letter the items, which are the subject of objections by the plaintiff to Mr. Day's responses to interrogatories. This letter was faxed to the above cited number and also mailed via first class mail to: Mr. Charles Day, Esq., 80-100 Tryon Pl., Jamaica, NY 11432.

Also on Nov. 14, 2002, the undersigned made two calls to a number (212 274 8408) in Manhattan, which counsel for the plaintiff discovered via an internet search and which is believed to be Mr. Day's business phone or answering service, located at 30 E. Broadway, Manhattan. The second call on Nov. 14, 2002 elicited the information that Charles Day was not then present. A return telephone number and a request to be called was left for Mr. Day. A third call to this number elicited the information that Mr. Day had not yet called in for his messages. An attempt was made to send Mr. Day a fax to this location, 30 E. Broadway, which proved unsuccessful.


Richard B. Cook

CERTIFICATE OF SERVICE

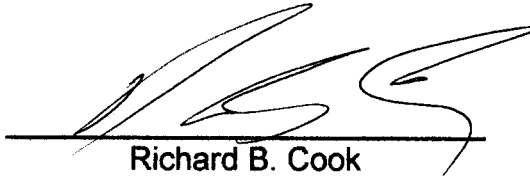
Undersigned counsel certifies that on November 15, 2002, a copy of the appended motion, order, and LR 26.3 certification have been served on the defendant by First Class Mail, postage pre-paid, to the following addresses:

Address provided by the New York State Court Administrator:

Charles Day, Esq.
80-100 Tryon Place
Jamaica, NY 11432

Address discovered by counsel for the plaintiff, via internet search:

Charles Day, Esq.
30 E. Broadway
New York, NY 10002



Richard B. Cook